

INITIATIVE 659

I, Ralph Munro, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 659 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to fishing; adding a new chapter to Title 75 RCW;
2 and providing an effective date.

3 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) No gill nets or any other entangling
5 nets may be used in any Washington waters.

6 (2) Dragging of nets or any net fishing gear on the sea bed is
7 prohibited.

8 (3) In addition to the prohibition set forth in subsection (1) of
9 this section, no other type of net containing more than one thousand
10 square feet of mesh area may be used in Washington waters.
11 Additionally, no more than one such net may be used per vessel.

12 (4) All out of season fish accidentally caught in nets, bycatch,
13 and juvenile Chinook salmon under twenty-two inches long must be
14 handled with care and released.

15 NEW SECTION. **Sec. 2.** (1) The Washington department of fish and
16 wildlife shall establish a salt water commercial rod and reel finfish
17 license. License holders shall be subject to the same laws,
18 restrictions, and enforcement as the salt water sports fishing license
19 holders. The following exceptions shall apply to the salt water
20 commercial rod and reel finfish license:

(a) Creel or harvest limits, if any, shall be set by the Washington department of fish and wildlife for the salt water commercial rod and reel finfish license holders.

(b) No more than eight standard sport fishing rods may be used per boat.

(c) Commercial rod and reel fishing shall be prohibited in any fresh water area in Washington state.

The salt water commercial rod and reel finfish license holder shall be allowed to sell finfish harvested subject to regulations established by the Washington state fish and wildlife commission. The issuance of a salt water commercial rod and reel finfish license shall be limited to only those owners of current Washington state commercial salt water finfish licenses.

(2) Washington state commercial salt water finfish license holders of all types shall be given the option to convert their licenses to salt water commercial rod and reel finfish licenses. The commercial salt water finfish license shall become void and invalid upon transferring to the new salt water commercial rod and reel finfish license. The state of Washington shall allow the sale and transfer of any net or rod and reel commercial license.

(3) No additional salt water commercial fishing licenses of any type shall be issued unless approved by the Washington state fish and wildlife commission.

NEW SECTION. **Sec. 3.** Section 1 of this act does not apply to the use of nets for scientific research or governmental purposes.

NEW SECTION. **Sec. 4.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Gill net" means one or more walls of netting that captures finfish by ensnaring or entangling them in the meshes of the net by the gills.

(2) "Entangling net" means a drift net, trammel net, or any other net that captures finfish by causing all or part of the head, fins, or other body parts to become ensnared or entangled in the meshes of the net.

(3) "Mesh area" of the net means the total area of netting with the meshes open to comprise the maximum square footage. The square footage

1 shall be calculated using standard mathematical formula for geometric
2 shapes. Seines and other rectangular nets shall be calculated using
3 the maximum length and maximum width of the netting. Trawls and other
4 bag type nets shall be calculated as a cone using the maximum
5 circumference of the net mouth to determine the radius, and the maximum
6 length from the net mouth to the tail end of the net. Calculations of
7 any other nets or combination type nets shall be based on the shapes of
8 the individual components.

9 (4) "Washington waters" means any body of water under the
10 jurisdiction of the state of Washington, whether coastal, intercoastal,
11 or inland, and any part thereof.

12 NEW SECTION. **Sec. 5.** This act is not intended to affect, alter,
13 or void any tribal treaty agreements established between Washington
14 state, the United States, or any mandated fishing rights set forth by
15 the federal or state courts.

16 NEW SECTION. **Sec. 6.** If any provision of this act or its
17 application to any person or circumstance is held invalid, the
18 remainder of the act or the application of the provision to other
19 persons or circumstances is not affected.

20 NEW SECTION. **Sec. 7.** This act shall take effect January 1, 1997.

21 NEW SECTION. **Sec. 8.** Sections 1 through 6 of this act shall
22 constitute a new chapter in Title 75 RCW.

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